IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 13985 of 2004

Between:

C. Satyanarayana S/o. Mallaiah, Plot No. 7, Nanaram Colony, Trimalghery, Secunderabad-15.

..... PETITIONER

AND

1 The Prohibition & Excise Superintendent, Functional Registrar of Toddy Cooperative Societies, Hyderabad District , Hyderabad.
2 The Prohibition & Excise Inspector SHO, Secunderabad.
3 Toddy Tappers Coop Society Ltd., Tirumalgherry Bazar Secunderabd, rep. by its President.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly in the nature of writ of mandamus declaring the action of the 1st respondent ie., The Prohibition & Excise, Superintendent/Functional Registrar of Toddy Cooperative Societies, Hyd District, Hyderabad in not arranging for furnishing a certified copy of resolutions Dt. 18.7.2004 of the general body meeting of the Toddy Tappers Cooperative Society Ltd., Trimulgherry Bazar, Secunderabad, as also the inaction on the part of the 2nd and 3rd respondents i.e., Prohibition & Excise Inspector SHO., Secunderabad and President of the Society respectively as contrary to Law, arbitrary, malafide, high handed and violative of the cardinal principles of natural justice.

Counsel for the Petitioner: MR.D.V.BHADRAM

Counsel for the Respondent Nos.1 and 2: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent No.3: ---

The Court made the following:

ORDER:

The petitioner claims to be a former member of the Managing Committee of the third respondent Society. It is stated that the person-in-charge of the Society convened a general body meeting for considering the agenda with five items, one of the same being formation of new managing committee. It appears that the petitioner raised certain objections and sought postponement of the general body meeting. However, the general body meeting was conducted on 18-07-2004 and a 5-Member-Managing Committee was elected and the elected members also assumed charge on the same day. It also appears that the general body passed resolutions on all the five items in the agenda in the meeting held on 18-07-2004.

The petitioner states that since he intends to raise an election dispute under Section 61 of the Andhra Pradesh Cooperative Societies Act, 1964, questioning the election of the new managing committee, he made an application on 18-07-2004 to the President of 3rd respondent Society requesting to furnish the certified copies of the five resolutions passed in the general body meeting dated 18-07-2004. He also submitted a reminder on 20-07-2004. The grievance of the petitioner is that so far his request has not been considered by the 3rd respondent and though he brought the said fact to the notice of the respondents 1 and 2, they failed to take any action. Hence, this writ petition declaring the action of the third respondent Society in not furnishing certified copies of the resolutions in respect of the newly elected committee of the third respondent Society as arbitrary and illegal.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise appearing for

respondents 1 and 2.

Having regard to the facts and circumstances of the case without expressing any opinion with regard to the entitlement of the petitioner to obtain the certified copies of the resolutions as sought by him, I deem it appropriate to dispose of the writ petition with a direction to the third respondent Society to consider the application of the petitioner dated 18.07.2004 for the certified copies of the resolutions and to furnish the same, if the petitioner is entitled to the said copies under law within a period of three days from the date of receipt of a copy of this order. In case the request of the petitioner is not accepted for any reason whatsoever, the petitioner shall be intimated the said reasons.

The Writ Petition is accordingly disposed of. No costs.

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09.08.2004

Note: Furnish CC by today

(b/o)

VGB

To

1 The Prohibition & Excise Superintendent, Functional Registrar of Toddy Cooperative Societies, Hyderabad District , Hyderabad.
2 The Prohibition & Excise Inspector SHO, Secunderabad.
3 The President, Toddy Tappers Coop Society Ltd., Tirumalgherry Bazar Secunderabd.

4 2CCs to the Government Pleader for Prohibition and Excise, High Court Buildings, Hyderabad (OUT)

5 2CD copies